(b) if so, the details thereof;

(c) the details of the industries in which capital investment has declined in the said period; and

(d) the details of the industries in which capital investment has increased in the said period?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH): (a) and (b) Details of Gross investment in different industrial segments during 1996-97 to 2000-01 are enclosed as Statement (*See* below).

(c) and (d) In the construction sector there is a declining trend in gross capital formation during the period 1998-99 to 2000-2001. However for other sectors of the industry, no definite trend emerges.

Statement

Gross capital formation by industry of use (at 1993-94 *prices) in Rs. Crore)*

Sl. No.	Sector/Industry	1996-97	1997-98	1998-99	1999-2000	2000-01
1	Mining & Quarrying	4550	5479	5447	5753	3626
2	Manufacturing	114727	114571	102210	109419	106446
3	Electricity, gas & water supply	23166	22999	25834	24148	25713
4	Construction	3077	5617	5691	3434	3088

Source: Central Statistical Organisation (CSO), Ministry of Statistics & Programme Implementation

New patent regime

457. SHRI P. PRABHAKAR REDDY: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether Government's attention has been drawn to the news-item captioned, "Patent regime unlikely to benefit developing nations: UK

Report", which appeared in the Economic Times, dated the 20th September, 2002;

(b) if so, the details thereof and Government's reaction thereto; and

(c) the details of steps Government propose to take with regard to the major problems highlighted in the report so as to adequately safeguard the interests of the developing countries especially India in the new patent regime?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH): (a) to (c) Yes, Sir. The Commission on Intellectual Property Rights was set up by the British Government with a view to consider (a) how national intellectual property regimes could best be designed to benefit developing countries within the context of international agreements, including the agreement on Trade Related Aspects of Intellectual Property; (b) how the international framework of rules and agreements might be improved and developed; and (c) the broader policy framework needed to complement intellectual property regimes.

The report which seeks to integrate intellectual property rights and development policy, neither negates nor invalidates the utility of the intellectual property system *per se* for developing countries.

It does, however, emphasise the need for adequate safeguards in the patent laws of developing countries. The main safeguards suggested in respect of patent regimes relate to: compulsory licensing; parallel imports; Government use of patent; exclusion of diagnostic, therapeutic and surgical methods from patentability; exclusion of new uses of known products from patentability; Bolar provision; prohibition of patent protection on plants and animals including genes and genetically modified plants and animals; and an obligation to disclose the geographical source of the genetic resources used in invention in the patent applications. The Patents Act, 1970 as amended by the Patents (Amendment) Act, 2002 substantially provides for these safeguards along with provisions which, in sum, enable an appropriate, timely and efficient response to national and public interest requirements/concerns.